

Proposed Rule Amendment:

§346.3. Early Childhood Intervention (ECI) Setting

Summary of Amendment: The amendment is proposed in order to update a Code of Federal Regulations reference, to eliminate the requirement for the completion of an evaluation and reevaluation to be done onsite allowing for provision via telehealth if indicated, to align the 60-day review of the plan of care (POC) to the requirement in other settings prior to continuation of treatment by a physical therapist assistant, and to report recommendations following a review of the POC to the ECI Interdisciplinary Team.

Rulemaking Process:

- Proposed by the Texas Board of Physical Therapy Examiners at April 21, 2023 meeting.
- Proposed Rulemaking Memorandum sent to the Office of the Governor on April 28, 2023 for review.
- Approved by the Executive Council of Physical Therapy & Occupational Therapy Examiners (ECPTOTE) at May 11, 2023 meeting.
- Notification of review from Office of the Governor on 6/02/2023 with no recommended changes.
- To be published in the June 16, 2023 edition of the *Texas Register* for public comment.

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(a) – (d) No change.

(e) Evaluation and reevaluation in the early childhood intervention setting will be conducted in accordance with the Early Intervention Program for Infants and Toddlers with Disabilities, 34 CFR Subtitle B, Chapter III, Part 303.321 ~~[federal mandates under Part C of the Individuals with Disabilities Education Act (IDEA), 20 USC §1436, [or when warranted by a change in the child's condition,]~~ and must include direct physical therapist-to-child interaction ~~[onsite reexamination of the child].~~

(f) The Plan of Care (Individual Family Service Plan) must be reviewed by the PT at least every 60 days, or concurrent with every visit if the child is seen at intervals greater than 60 days, prior to continuation of treatment by a PTA [to determine if revisions are necessary]. Any modification or revision of physical therapy services identified during the review should be recommended to the Interdisciplinary Team.